

# ***California Code of Regulations, Title 25, Chapter 1, Subchapter 1***

## **Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations**

**Notice: This printing contains only regulations adopted by HCD through January 1, 2005. Access state laws at [www.oal.ca.gov](http://www.oal.ca.gov).**

### **Article 1. Authority, Application and Scope**

#### **Section 1. Application and Scope.**

(a) The provisions of this subchapter shall apply in all parts of the state and shall apply to the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, maintenance, and ventilation of all hotels, motels, apartment houses and dwellings, or portions thereof and buildings and structures accessory thereto approved for construction on or after the effective date of this subchapter except as otherwise provided in this subchapter.

(b) The provisions of this subchapter relating to use, maintenance and change of occupancy shall apply to all buildings, or portions thereof, approved for construction or constructed before or after the effective date of this subchapter.

### **Article 2. Definitions**

#### **Section 4. General.**

The following definitions and the definitions contained in California Code of Regulations, Title 24 shall apply to the provisions of this subchapter as applicable.

“Building Official.” The Department or the local government agency so designated as the enforcement agency in Division 13, Part 1.5, Health and Safety Code.

“Labeled.” Bearing a label of an approved testing agency or other approved means of identification.

“Local Appeals Board.” The board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of these buildings if also authorized to hear these appeals. In any area in which there is no such a board or agency, “housing appeals board” means the local appeals board having jurisdiction over the area.

### **Article 3. Administration and Enforcement**

#### **Section 6. Local Regulations.**

(a) Except as provided in subsection (b), the governing body of every city or county shall adopt ordinances or regulations imposing the requirements contained in this subchapter. These ordinances and regulations shall be adopted pursuant to Sections 17958, 17958.5, 17958.7, 17958.8, 17958.9 and 17959 of the Health and Safety Code.

(b) The regulations contained in Section 20 and Section 24 (f) through (k) of this subchapter are intended to be enforced by the department. The provisions of these sections need not be adopted by the governing body of any city or county.

#### **Section 8. Temporary Housing.**

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Pursuant to Section 17922.1 of the Health and Safety Code, any city or county may modify or change the requirements contained in this subchapter if it makes a finding that temporary housing is required for use in conjunction with a filed mining claim.

#### **Section 10. Enforcement.**

Enforcement of the provisions of Division 13, Part 1.5 of the Health and Safety Code and the provisions of this subchapter shall be consistent with Sections 17952, 17960, 17961, 17962, 17964, 17965 and 17966 of the Health and Safety Code.

#### **Section 12. Appeals.**

Local appeals boards and their actions shall be consistent with Sections 17920.5, 17920.6 and 17925 of the Health and Safety Code.

#### **Section 14. Alternates.**

Consistent with Section 17951(d) of the Health and Safety Code, the building department of any city or county may, on a case-by-case basis, approve alternate materials, appliances, installations, devices, arrangements, or methods of construction not specifically prescribed in this subchapter.

#### **Section 16. Permits to Construct.**

No person shall erect, construct, reconstruct, install, relocate or alter any building or structure subject to the provisions of this subchapter without first obtaining a written construction permit therefore from the enforcement agency.

#### **Section 18. Environmental Impact Report.**

Wherever the Department is the enforcement agency, an environmental impact report or negative declaration prepared by or under the supervision of the local planning agency shall be submitted with an application for a permit to construct a project subject to the Environmental Quality Act of 1970 (Public Resources Code, commencing with Section 21000). The environmental impact report or negative declaration shall comply with the applicable requirements of the California Code of Regulations, Title 14, Division 6, Chapter 3.

#### **Section 20. Fees.**

(a) Local Enforcement. Any person submitting an application for a permit to construct shall pay appropriate fees. Valuation of buildings for the purpose of determining fees for permits to construct shall be determined by the enforcement agency. The governing body of any city or county may prescribe fees for permits, certificates, or other forms or documents required or authorized by this subchapter.

(b) Enforcement by the Department. The fees specified in this subchapter shall apply where the Department is the enforcement agency.

(1) Penalty Fees. Where work for which a permit is required by this subchapter is started or proceeded with prior to obtaining that permit, the fees specified in this article may be increased by the enforcement agency but shall not be more than double the fees specified for obtaining the permit; however, the payment of that fee shall not relieve any persons from fully complying with the requirements of this subchapter in the execution of the work or from any penalties prescribed herein.

(2) Plan Check Fees for Identical Buildings. When any person files applications simultaneously to construct two or more buildings which are identical, only one plan check fee will be required. Upon payment of that plan check fee and the filing of an additional set of plans with the enforcement agency, subsequent construction permits may be issued for other identical buildings without payment of plan check fees.

(3) Minimum Permit Fee. The total permit fee is the sum of the fees prescribed in subsections (b)(4), (b)(5) and (b)(6) of this section and in no case shall be less than \$15.

(4) Plan Check Fees. Plan check fees shall be equal to one-half of the combined total of construction, mechanical, plumbing and electrical permit fees, as set forth in Tables A, B, and C, however, the minimum fee shall be \$10. Those

plans which have been returned to the plan submitter for correction, shall be resubmitted along with a fee equal to 25 percent of the original plan check fee.

(5) Permit Issuance Fee. The permit issuance fee shall be \$10. A single permit may be issued for all work to be accomplished at the same time on the same premises.

(6) Permit Fees.

(A) Table A. Construction Permit Fees.

Total Valuation	Fee
\$1 to \$500	\$10
\$501 to \$5,000	\$10 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$5,000.
\$5,001 to \$25,000	\$55 for the first \$5,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$115 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$177.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,001 and up	\$252.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.

(B) Table B. Mechanical and Plumbing Permit Fees.

Each plumbing fixture, trap, set of fixtures on one trap, including water, drainage piping and back flow protection therefore .....	\$ 1.50
Each building sewer .....	10.00
Each private sewage disposal system .....	10.00
Each water heater and/or vent .....	5.00
Each gas piping system of one to five outlets .....	5.00
Each gas piping system of six or more, per outlet .....	1.00
Each gas regulator .....	1.00
Each water branch service outlet or outlets at the same location, or each fixture supply .....	.30
Each installation of water treating equipment .....	5.00
Alteration or repair of water piping or water treating equipment .....	5.00
Alteration or repair of drainage or vent piping .....	5.00
Each lawn sprinkler system on any one meter, including backflow protection devices thereof .....	5.00
Vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures	
One to five .....	2.00
Over five, each additional .....	.30
The installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to an appliance, up to and including 100,000 B.t.u.'s .....	10.00
The installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to an appliance over 100,000 B.t.u.'s .....	15.00
The installation or relocation of each floor furnace including vent .....	5.00
The installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater .....	5.00
The installation, relocation or replacement of each appliance vent installed and not included in an appliance permit .....	5.00
The repair of, alteration of, or addition to each heating appliance, refrigeration unit, comfort cooling unit, absorption unit, or each comfort heating, cooling, absorption, or evaporative cooling system, including installation of controls .....	10.00

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The installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 B.t.u.'s .....	10.00
The installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 B.t.u.'s to and including 500,000 B.t.u.'s .....	12.50
The installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or for each absorption system over 500,000 B.t.u.'s to and including 1,000,000 B.t.u.'s .....	15.00
The installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 B.t.u.'s to and including 1,750,000 B.t.u.'s .....	17.50
The installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 B.t.u.'s .....	30.00
Each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto .....	5.00
NOTE: This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, comfort cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere.	
For each air handling unit over 10,000 cubic feet per minute.....	7.50
For each evaporative cooler other than portable type.....	5.00
For each vent fan connected to a single duct .....	2.00
For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit .....	5.00
For the installation of each hood which is served by mechanical exhaust, including the ducts for a hood .....	5.00
For each appliance or piece of equipment regulated by these regulations but not classed in other appliance categories, or for which no other fee is listed in these regulations.....	5.00

(C) Table C. Electrical Permit Fees.

Each additional outlet, fixture or equipment which has not been included in the original permit .....	1.00
Each wiring outlet where current is used or controlled except services, sub-feeders and meter outlets .....	.20
Each fixture, socket or other lamp holding device .....	.20
Each motor of not more than one horsepower .....	1.00
Each motor of more than one horsepower but not more than 3 horsepower .....	1.50
Each motor of more than 3 horsepower but not more than 8 horsepower .....	2.00
Each motor of more than 8 horsepower but not more than 14 horsepower .....	2.50
Each motor of more than 15 horsepower but not more than 50 horsepower .....	3.00
Each motor of more than 50 horsepower but not more than 100 horsepower .....	5.00
Each motor of more than 100 horsepower .....	10.00
Each generator, transformer, or welder--each K.V.A. capacity shall be considered as one horsepower in a motor. Each motor--generator set or frequency changer--the fee charged shall be 100 percent greater than for the motor alone.	
Each mercury arc lamp and equipment .....	.50
Each range, water heater or clothes dryer installation .....	5.00
Each space heater or infrared heat installation .....	1.00
Each stationary cooking unit, oven, or space heater .....	1.00
Each garbage disposer, dishwasher, or fixed motor-operated appliance not exceeding one-half horsepower .....	1.00
Working lights in buildings in course of construction or undergoing repairs, or where temporary lighting is to be used .....	2.00
Each incandescent electric sign .....	1.00
Electric signs or outline lighting, luminous gas type with one to four transformers .....	2.00
Additional transformers, each .....	.25
Each rectifier and synchronous converter, per K.W. ....	.25

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Each additional circuit for an accessory building or structure or other electrical equipment .....	1.00
Each service:	
600 volts or less, not over 200 amperes .....	5.00
600 volts or less, over 200 amperes .....	7.50

(D) Table D-1. Plan-Checking Fees (Excavation and Grading).

50 to 100 cubic yards. ....	10.00
101 to 1000 cubic yards .....	15.00
1001 to 10,000 cubic yards .....	20.00

10,001 to 100,000 cubic yards--\$20.00 for the first 10,000 cubic yards plus \$10 for each additional 10,000 cubic yards or fraction thereof

100,001 to 200,000 cubic yards--\$110 for the first 100,000 cubic yards plus \$6 for each additional 10,000 cubic yards or fraction thereof

200,001 cubic yards or more--\$170 for the first 200,000 cubic yards, plus \$3 for each additional 10,000 cubic yards or fraction thereof

Table D-2. Grading Permit Fees.

50 cubic yards or less .....	10.00
50 to 100 cubic yards .....	15.00

101 to 1000 cubic yards--\$15 for the first 100 cubic yards, plus \$7 for each additional 100 cubic yards or fraction thereof

1001 to 10,000 cubic yards--\$78 for the first 1000 cubic yards, plus \$6 for each additional 1000 cubic yards or fraction thereof

10,001 to 100,000 cubic yards--\$132 for the first 10,000 cubic yards, plus \$27 for each additional 10,000 cubic yards or fraction thereof

100,001 cubic yards or more--\$375 for the first 100,000 cubic yards, plus \$15 for each additional 10,000 cubic yards or fraction thereof

Permit Extension Fee, Minimum .....	5.00
Alternate Approval Fee .....	25.00
Certificate of Occupancy .....	20.00

(7) Technical Service Fee.

(A) Any city or county may request technical assistance from the Department. The assistance may include inspections or interpretation and clarification of applicable regulations.

(B) Requests for this service shall be submitted to the Department in writing. The fee shall be:

1. \$39.00 for the first hour.
2. \$19.50 for each additional 30 minutes or fractional part thereof.

## Article 4. New Construction, Additions, Alterations

### Section 22. Building Requirements.

Note: This printing contains only regulations adopted by HCD through January 1, 2005.

Except as otherwise permitted or required by Division 13, Part 1.5 of the Health and Safety Code, by this subchapter, and by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Building Code, Part 2, Title 24, California Code of Regulations.

## **Section 24. Foam Building Systems.**

(a) General. Foam Building Systems except as otherwise provided in this section shall comply with the requirements contained in Chapter 2-17 in Part 2, Title 24, California Code of Regulations.

NOTE: Chapter 2-17 of Title 24 adopts Chapter 17 of the 1979 Uniform Building Code by reference. Specific Foam Plastics requirements may be found in Section 1717 of the 1979 UBC.

(b) Application and Scope. This section shall apply to all buildings subject to the provisions of this subchapter. This section shall not apply to plumbing fixtures, furnishings, floor coverings or contents of buildings.

(c) Effective Date. These regulations shall become applicable to the selling, offering for sale, or use in construction of buildings subject to this part, in this state of any foam building system on and after the 180th day after such standards become effective. The effective date of this section is March 2, 1975.

(d) Non-Applicability. This section shall not apply to any building or structure constructed prior to the 180th day after the effective date of these regulations. (August 30, 1975)

(e) Definitions. In addition to the definitions contained in this subchapter, the definitions contained in this section shall apply for purposes of carrying out the administrative and enforcement responsibilities of the Department.

(1) "Foam" means a material (foamed plastic) made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

(2) "Foam Building System" means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

(3) "Manufacturer" is any person who produces "foam" or "foam building systems" as defined in this section.

(f) Enforcement. Except as provided in Section 20 of this subchapter, the Department shall administer and enforce the provisions of this section related to foam building systems.

(1) The Department shall cause inspections of the manufacture of foam plastic building systems to be made as are necessary to secure compliance with this section.

(2) For purposes of this section, the Department may utilize the services of an approved testing agency and/or an approved listing agency.

(g) Listing and Labeling.

(1) Every foam system intended for on-site application of foam shall be identified with an approved label in a visible location, on all containers. Instructions for use shall accompany each shipment.

(2) Factory provided "foam building systems" shall be identified with an approved label in a visible location.

(3) All fabricated foam products shall be identified with an approved label.

(4) Foam plastic interior trim shall be identified with an approved label in a visible location.

(h) Department Disapproval of Listed or Labeled Foam or Foam Building Systems. Foam or foam building systems shall not be accepted by the Department when it determines that the foam or foam building systems, even though listed or labeled by an approved testing agency, are not adequate for the protection of health, safety and the general welfare.

(i) Requirements for Approved Testing and/or Listing Agency. An approved testing and/or listing agency shall meet the following requirements of the Department when applicable.

(1) Provide a chart setting forth its organizational structure.

(2) Provide documented evidence showing the agency is in the business of testing and/or listing of materials and systems similar to those defined in this section.

(3) Provide a notarized statement certifying that the agency has no proprietary interest or management ties with the manufacturer or any subsidiary of that manufacturer.

(4) Provide a detailed outline of how the in-plant inspections will be performed and the frequency of these inspections.

(5) Provide an explanation of how discrepancies noted will be recorded and marked, and how corrections will be obtained.

(6) Provide details of how reports are to be made to the Department, together with samples of forms to be used.

(7) Provide an explanation of how certification of foam or foam building systems will be made, and a sample of the listing label or other pertinent information.

(8) Advise the Department within 15 days of any change in address or location.

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(9) Keep current information and requirements related to matters governed by this section.

(10) An approved testing agency which does not list and label may be used in conjunction with an approved listing agency, to perform the listing and labeling required to certify a manufacturer's foam building system.

(j) Approval. -- Approved Testing and/or Listing Agency.

(1) Any testing or listing agency may officially request, in writing, Department approval, by submitting the information required in subsection (i) of this section, accompanied by a fee of \$100.

(2) The Department shall:

(A) Acknowledge receipt of applications and fees.

(B) Review the applicant's submissions within a reasonable time and advise the applicant of its approval or disapproval.

(k) Revocation of Approval.--Approved Testing and/or Listing Agency.

The Department may revoke its approval of an approved testing or listing agency for cause. The Department's revocation may be subject to appeal.

## **Section 26. Mechanical--Building Regulations.**

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter or by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

NOTE: The provisions contained in the Unfired Pressure Vessel Safety Orders, California Code of Regulations, Title 8, Part 1, Chapter 4, Subchapter 1, except as permitted or required by the Uniform Mechanical Code, when not otherwise subject to enforcement by the Division of Industrial Safety, Department of Industrial Relations, shall apply to this Subchapter.

## **Section 28. Electrical--Building Regulations.**

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter or by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

## **Section 30. Plumbing--Regulations.**

Except as otherwise permitted or required by Division 13, Part 1.5, of the Health and Safety Code, by this subchapter or by other applicable laws and regulations, all buildings and structures subject to this subchapter shall comply with the regulations contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

# **Article 5. Existing Buildings**

## **Section 32. Space, Occupancy, and Maintenance.**

Except as otherwise permitted or required by Health and Safety Code, Division 13, Part 1.5, this subchapter, or by other applicable laws and regulations, and the provisions of the 1997 Edition of the Uniform Housing Code, Chapters 4, 5, and 6, and Sections 701.2 and 701.3, as adopted by the International Conference of Building Officials, with the following State amendments, are hereby incorporated by reference and shall apply to buildings or structures subject to the provisions of this subchapter.

(a) HOT WATER is water supplied to plumbing fixtures at a temperature of not less than 110 degrees F (43.3 degrees C).

(b) MECHANICAL CODE is the California Mechanical Code contained in Part 4, Title 24, California Code of Regulations.

(c) PLUMBING CODE is the California Plumbing Code contained in Part 5, Title 24, California Code of Regulations.

## **Section 34. Heating.**

(a) Every dwelling unit and guest room used or offered for rent or lease shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees F at a point three feet above the floor in all

habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees F, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

(b) The provisions of Subsection (a) are subject to the exemption for existing buildings provided in Section 103, of the Uniform Housing Code.

(c) Those buildings and structures which are exempt from the requirements of Section 103 shall be provided with heat at a temperature as close to 70 degrees F as the existing heating facilities are capable of providing at a point three feet above the floor in all habitable rooms when the heating facilities are not under control of the tenant.

### **Section 36. Rehabilitation and Repair.**

Rehabilitation and repair of existing buildings and structures subject to this subchapter shall also be subject to those requirements contained in Division 13, Part 1.5 of the Health and Safety Code which are applicable to rehabilitation and repair.

### **Section 38. Garbage Receptacles.**

An adequate number of appropriate receptacles with close-fitting covers for garbage and rubbish as may be considered necessary by the enforcement agency shall be provided for the occupant of every dwelling unit by the owner or operator of every structure or building subject to this subchapter. Each receptacle shall be kept in a clean condition and in good repair.

### **Section 40. Bedding.**

In every apartment house or hotel subject to this part, held out for rent and furnished with a bed and bedding, every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects. The bed linen in a hotel shall be changed before a new guest occupies the bed. In every dwelling unit where linen is furnished, the linen shall be changed before a new guest occupies the dwelling unit.

### **Section 42. Caretaker.**

A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of an apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

### **Section 44. Hotplates.**

The use of hotplates existing in rooms prior to September 20, 1963, shall be in accordance with the provisions of Section 17921.1 of the Health and Safety Code.

### **Section 46. Portable Fire Extinguishers.**

Portable fire extinguishers shall be provided and maintained in every apartment house and hotel. The number and type of portable fire extinguishers to be installed shall be determined by the enforcement agency. However, the minimum requirements shall be as set forth in Title 19, Chapter 1, Subchapter 3, California Code of Regulations.

## **Article 6. Actions and Proceedings**

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#### **Section 48. Access and Inspections.**

Access for inspection and repair of buildings subject to the provisions of this subchapter shall be as provided by Sections 17970, 17971, and 17972, of the Health and Safety Code.

#### **Section 50. Abatement Actions.**

Abatement actions instituted by an enforcement agency shall be in accordance with the provisions set forth in Article 3 (commencing with section 17980) of Division 13, Part 1.5 of the Health and Safety Code.

#### **Section 52. Abatement Procedure.**

The procedures for abatement, prescribed by this article, or other procedures as determined by the enforcement agency to be equivalent for the purpose intended, may be used.

#### **Section 54. Nuisances--Notices.**

Whenever any building or portion thereof, has become substandard as described in Section 17920.3 or is a building as described in 17920.10 of the Health and Safety Code, and when determined to be a nuisance as defined in Section 17920 of the Health and Safety Code by the enforcement agency, the following shall apply:

The enforcement agency shall notify the owner of the building and any mortgagee or beneficiary under any deed of trust, of record, as follows. The notice shall state the conditions causing the building to become substandard or in violation of Section 17920.10 of the Health and Safety Code, and shall order the building, or portion thereof, vacated and shall institute proceedings for the correction or abatement thereof, either by demolition, closing or repair, within 30 days after the date of the notice. If, in the opinion of the enforcement agency, these conditions can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.

If the building is encumbered by a mortgage or deed of trust, of record, and the owner of the building has not complied with the order of the enforcement agency on or before the expiration of 30 days after the mailing and posting of the notice, the mortgagee or beneficiary under the deed of trust may, within 15 days after the expiration of the 30-day period, comply with the requirements of the order of the enforcement agency, in which event the cost to the mortgagee or beneficiary shall be added to, and become a part of, the lien secured by the mortgage or deed of trust, and shall be payable at the same time and in the same manner as may be prescribed in the mortgage or deed of trust for the payment of any taxes advanced or paid by the mortgagee or beneficiary for and on behalf of the owner.

If the order of the enforcement agency has not been complied with on or before the expiration of 45 days after the mailing and posting of the notice, the enforcement agency may institute an appropriate action or proceeding to correct or abate the condition, as would be taken to correct or abate any nuisance or any violation of any other provision of this article or, as an alternative procedure, the enforcement agency may institute proceedings for the abatement of the nuisance, after notice and hearing, before the governing board of the agency as follows.

#### **Section 56. Revolving Fund.**

For the purpose of providing for the advancement of costs in the enforcement of the provisions of this article, any city or county may create revolving funds or funds from which may be paid the costs of enforcing the provisions of this article and into which may be paid the receipts from the collection of costs or fines imposed in the enforcement thereof.

#### **Section 58. Manner of Giving Notice.**

The notices required in Section 54 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building alleged to have become substandard, and shall send another copy by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located, as that person's name and address appear on the last equalized assessment roll, or as known to the clerk of the governing board of the enforcement agency and to any mortgagee or beneficiary. If the address is unknown to the enforcement agency, this fact shall be stated in the copy so mailed and it shall be addressed to this person at the county seat of the county where the property is situated.

The officer or employee of the enforcement agency upon giving the notice, shall file an affidavit with the clerk of the governing board of the enforcement agency certifying the time and the manner in which the notice was given along with any receipt card returned in acknowledgement of the receipt of the notice by registered mail. The failure of any owner or other person to receive the notice, shall not affect in any manner the validity of any proceedings taken hereunder.

#### **Section 60. Second Notice.**

(a) If the enforcement agency determines to proceed with the abatement of the nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 58 directing the owner of the building to appear before the governing board of the enforcement agency at a stated time and place and show cause why the building should not be condemned as a nuisance, and the nuisance be abated as provided in this article. A copy of this notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 58. The notice shall be headed "Notice to Abate Nuisance" in letters of not less than three-fourths of an inch in height and shall be substantially in the following form:

#### **NOTICE TO ABATE NUISANCE**

The owner of the building situated at \_\_\_\_\_ is hereby notified to appear before \_\_\_\_\_ (insert name of governing board) of the \_\_\_\_\_ (insert name of enforcement agency) at its meeting to be held \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ (place of meeting) at the hour of \_\_\_\_\_ o'clock \_\_m., or as soon thereafter as the owner may be heard, and show cause, if any, why the building should not be condemned as a public nuisance and the nuisance be abated by reconstructing or properly repairing the building or by razing or removing it.

Dated \_\_\_\_\_  
(Name of enforcement agency)

By \_\_\_\_\_  
(Name of officer)

(b) The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 62 hereof, but the failure to any owner or other required by such notice shall not affect in any manner the validity of any proceeding taken hereunder.

#### **Section 62. Hearing.**

(a) At the time fixed in said notice, the governing board of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing, said governing board may, by resolution, declare its findings and, in the event that it so concludes, it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

(b) At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county where said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 58 thereof. The governing board of the enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefore being shown.

#### **Section 64. Time to Bring Action.**

Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatements of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution; otherwise all objections will be deemed to have been waived.

#### **Section 66. Jurisdiction to Abate.**

Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30-day period or any extension thereof granted by the governing board as provided for in this article. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.

#### **Section 68. Sale of Materials.**

The building materials contained in such building so razed or removed may be sold by the governing board at public sale to the highest responsible bidder after not less than five days notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of doing the work showing the gross and net expense of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 58 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

#### **Section 70. Statement of Expense.**

(a) At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for doing the work and any other interested persons; and thereupon said governing board may make such revision, correction, or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

(b) In the event that the cost for razing or removing the nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating the nuisance, if not paid within five days after the decision of the governing board on its statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 percent per annum, computed from the date of confirmation of the statement until paid, or until it is discharged of record. This lien shall, for all purposes, be upon parity with the lien of State, county, and municipal taxes. In the event of nonpayment, the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which the property is located a certificate substantially in the following form:

## NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by Division 13, Part 1.5 of the Health and Safety Code and California Code of Regulations, Title 25, Chapter 1, Subchapter 1, of the State of California, the undersigned did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, cause a nuisance to be abated on the real property hereinafter described; and the undersigned did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by action duly recorded in its official minutes as of that date, assess the cost of the abatement, less the amount received from the sale of any building materials upon the real property hereinafter described, and the same has not been paid nor any part thereof; and the \_\_\_\_\_ (enforcement agency) does hereby claim a lien on the real property for the net expense of the doing of the work in the sum of \$\_\_\_\_\_, and the same shall be a lien upon the real property until the sum, with interest at the rate of 6 percent per annum, from the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, (insert date of confirmation of statement) has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, and particularly described as follows:

Dated \_\_\_\_\_  
(Name of enforcement agency)

By \_\_\_\_\_  
(Name of officer)

(c) From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

(d) In the event that the amount received from the sale of material exceeds the expenses of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agent to the credit of the owner of said property or to such other person legally entitled thereto, and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

## Article 7. Penalties

### Section 72. Penalties.

Any violation of this subchapter or of the Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910 (State Housing Law) shall be subject to the penalties as set forth in Section 17995 of the Health and Safety Code.

## Article 8. Regulations for Limited Density Owner-built Rural Dwellings

### Section 74. Purpose.

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this article.

### Section 76. Intent and Application.

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures.

Note: This printing contains only regulations adopted by HCD through January 1, 2005.

It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas.

#### **Section 78. Definitions.**

For the purposes of this article the following definitions shall apply:

"Limited density, rural dwelling." A "limited density, rural dwelling" is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article.

"Owner built."

(a) "Owner built" shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.

(b) For the purposes of this article the sale, lease, renting (see local authority Section 82(b)) or employee occupancy of owner-built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting.

"Rural." For the purpose of this article only, "rural" shall mean those unincorporated areas of counties designated and zoned by the appropriate local agency for the application of this article. In defining "rural," the agency shall consider local geographical or topographical conditions, conditions of general development as evidenced by population densities and availability of utilities or services, and such other conditions that the agency deems relevant to its determination.

Suitable areas may include those wherein the predominate land usage is forestry, timber production, agriculture, grazing, recreation, or conservation.

#### **Section 80. Local Standards.**

Pursuant to Sections 17958, 17958.5, and 17958.7 of the Health and Safety Code, the governing body of every jurisdiction in which there exist rural areas displaying conditions appropriate for the application of this article and designated as such by the appropriate local agency shall adopt regulations imposing the same requirements as are contained in this article.

#### **Section 82. Regulation of Use.**

(a) For the purposes of this article the sale, lease, renting or employee occupancy of ownerbuilt structures within one year of the issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(b) The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

#### **Section 84. Abatement of Substandard Buildings.**

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner-occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement.

#### **Section 86. Petitions for Interpretations.**

Any person or local agency may petition the Department for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Department may consider such requests and the Department may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

#### **Section 88. Interpretation.**

Interpretations by the Department as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes established by Sections 17930-17932 of the Health and Safety Code, but are intended to facilitate public understanding and the effective enforcement of this article.

#### **Section 90. Notice of Findings.**

The Department shall keep a record of all interpretations made by the Commission which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Department's findings.

#### **Section 92. Recording.**

No provision of this article is intended to prohibit or limit a local governing body from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

#### **Section 94. Violations.**

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency.

#### **Section 96. Permits.**

Permits shall be required for the construction of rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article. When the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefore to the applicant.

Exemptions: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the appropriate local agencies.

#### **Section 98. Application.**

To obtain a permit, the applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information: (1) name and mailing address of the applicant; (2) address and location of the proposed structure(s); (3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details; (4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways; (5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency; (6) a stipulation by the applicant that the building or structure is to be owner-built; (7) the signature of the owner or authorized agent; (8) the use or occupancy for which the work is intended; (9) and any other data or information as may be required by statute or regulation.

#### **Section 100. Plans.**

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the

enforcement agency cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

#### **Section 102. Waiver of Plans.**

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

#### **Section 104. Modifications.**

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this article and the enforcement agency is notified in writing of the intended modification.

#### **Section 106. Permit Validity.**

Permits shall be valid, without renewal, for a minimum period of three years.

#### **Section 108. Inspections.**

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. If an inspection is required, the inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Structures of conventional or simple construction shall be inspected at a single inspection.

#### **Section 110. Special Inspections.**

Additional inspections may be conducted under the following circumstances: An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

#### **Section 112. Inspection Waivers.**

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provision of this article.

#### **Section 114. Inspection Requests and Notice.**

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

#### **Section 116. Certificate of Occupancy.**

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this article.

#### **Section 118. Temporary Occupancy.**

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

#### **Section 120. Fees.**

Fees may be required and collected by the enforcement agency to provide for the cost of administering the provisions of this article. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

#### **Section 122. General Requirements.**

(a) Each structure shall be constructed in accordance with applicable requirements contained in Subchapter 2-12, Title 24, California Code of Regulations.

(b) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

#### **Section 124. Intent of General Requirements.**

It shall be the purpose and intent of this article to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this article, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

#### **Section 126. Technical Codes to Be a Basis of Approval.**

Except as otherwise required by this article, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval.

#### **Section 128. Mechanical Requirements.**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article, shall be installed and vented in accordance with the applicable requirements contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

#### **Section 130. Electrical Requirements.**

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 132.

#### **Section 132. Installation Requirements.**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the

enforcement agency determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

#### **Section 134. Plumbing Requirements.**

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner-built rural dwellings.